

ARGUMENTS

AND

REASONS

To prove the

Inconvenience & Unlawfulness

Of Taking the

New Engagement:

Modestly propounded to all Persons Concerned.

The words of the Engagement are these :

I Do declare and promise that I will be true and faithful to the Common-wealth of England, as the same is now established without King, or House of Lords.

THe known and (by words and actions) declared sence of the Imposers of this Engagement, is, (I conceive)

That they that take this Engagement should oblige themselves not onely to preserve the remaining Rights and Priviledges of the
Common-

Common-wealth, (as some fancy,) but also to do nothing directly or indirectly against the present Government; yea, to be true and faithful to it. Which words, being frequently the words of the Subjects Oaths to their Kings and Queens, were intended to oblige the Subjects to their utmost to oppose all the Enemies of their Persons and Government, and do likewise now binde us to oppose the King and House of Lords, yea, the Majority of the House of Commons, (which legally, in case of division, are the whole House) and not to admit their Government again, no though they should more really and manifestly, in our apprehensions, promote the ends of our Solemn Covenants, and the publique good of this Kingdom, then the present Powers do, or shall do.

Which being premised, the Inconvenience, Uncertainty, Inconsistency, Unsatisfactoriness, yea, Unlawfulness of Taking the said Engagement seems evident.

1. The Scripture commands obedience, and forbids resistance, to lawful Magistrates, *Rom. 13. 1. 2.* and chargeth us to render to all their dues, honour to whom honour, tribute to whom tribute is due, *Vers. 7.* I may not do wrong to a publique or private person, though I never swore or promised to do him right: now both the Laws and our own Consciences tell us, the King, Lords, and Commons are the Legal Governors of this Kingdom, and that there are dues belong to them, (though we had never sworn or promised anything to them,) of which they, and the Kingdom in them, and in the abolition of her fundamental Government, are injuriously deprived; and that this Engagement tends to the establishment and continuance of that injustice, and to the resistance of them, when they, or any of them, shall require their Right.

2. It is a meddling and engaging with and for those that are given to change, contrary to *Prov. 24. 21.* and to the Duty of good Subjects, and to the Dictate of Reason, which allows us not, for some supposed or real miscarriages of a King, and some Parliament men (which are the faults of Governors, not of the Government) to abjure or engage against *regal Government*; (which the very Jesuites, as *Adrianus*, *Barbentinus*, and others, though no great friends to Monarchy, have acknowledged to be the best Government, in the opinion of the wisest Statesmen) and against former *Parliamentary Government*, under which this Kingdom hath so long and happily flourished.

3. It is a Justification, an abetting, or owning (at least in part) of all those irregular and horrid acts, which have been committed for the bringing about of this change; as suppose *Ahab* should have required *Elijah* to have been true and faithful to him in the possession of *Naboths* Vineyard, against his Heirs and Successors, could *Elijah* have done it without justifying, in some measure, the hypocritical, illegal, oppressive, bloody means used by *Ahab* and *Jezabel* for procuring of the said Vineyard? and so be had been partaker of other mens sins, and had fellowship with the unfruitful works of darkness, contrary to 1 Tim. 5. 22. Eph. 5. 11.

4. It is uncertain, First, What is meant by *Common-wealth* of *England*; for if by those words *Monarchical* and *Aristocratical* Government be excluded, and the *Supreme Power and Authority* placed in the Community, and such as they trust with it, there is not now *de jure*, nor *de facto*, such a *Common-wealth* of *England*. For a small party of the *Parliament* and *People* have thrust out the *Lawful Rulers*, and have assumed of themselves, and to themselves, the *Supreme Authority* of this Nation, without the *Election*, *Appointment*, *Approbation*, or *Consent* of the *People*, yea, against their *Consents*; and do only palliate their *Usurpation* and *Tyranny* (which is a ruling over *People* against their wills) under the name of the *Common-wealth*. Secondly, It is uncertain, in what sense, or on what foundation, the present Government is said to be established; Seeing there was (saith Mr *Broughton* in his consent of *Scripture*) a kinde of *Interregnum* in *Judah* for eleven years, between the putting to death of *Amaziah*, and the reception of *Uzziah*, and an *Usurpation* in the time of *Athaliah* for six years, yet neither the one nor the other (much less the present Government of this Kingdom, which is scarce one year old) could be said to be established upon any good Foundation, Divine or *Humane*, and therefore upon the appearance of their lawful King they vanished away.

5. This Engagement (I conceive) is inconsistent with it self: For first, A man may be true and faithful to the *Common-wealth* of *England*, and yet endeavor that it may be better established, possibly without a *Council of State*, and with a fuller and freer House of *Commons*, or in more faithful persons then those in which it is said to be now established, which possibly may be a self-advancing, self-enriching party, over-awing and oppressing

the Common-wealth. Secondly, A man may be faithful to the Common-wealth of England (in a good sence) and yet endeavour to recover the Fundamental Laws and Government thereof by King, Lords, and Commons, as we were faithful thereunto, when, in the former Oaths, Protestations, and Covenants, We promised and vowed the preservation and maintenance thereof.

6. It is against the known sence of the Honorable Houses of the *Parliament of England* (the most Legal *Authoritative*, and by all true Englishmen most highly esteemed Suffrage within this Nation) which did very often, and with much detestation, declare and vote against the Alteration (much more the Abrogation) of the *Fundamental Government* of the Kingdom; particularly one Declaration of the Commons, *Apr. 17. 1646.* was for the satisfaction of the People (who then began to suspect such dealings) enjoyned to be published, set up and fixed in every Parish-Church, and so would the said Houses (as may be presumed) still declare and vote, if they were not by illegal violence restrained from convening with freedom and safety.

7. It also against the common and general Vote of the People of this Nation collectively taken (without which it is neither convenient nor lawful for one or a few to engage in the alteration of the publique Government, especially for those which assert, *That the People are the Fountain of all Just Power,*) as may sufficiently appear by their unwillingness to engage therein, (though non-engagers be by the late Act denyed that protection of the Laws, that Blasphemers, and vilest of engaging persons, may enjoy,) and would more manifestly appear, if those that stand for the *Engagement* would lay down their over-awing and menacing Arms, by which (as also by promotions and rewards) they prevail over facile and servile spirits, and suffer the Nation (as in duty they ought) to vote and act freely, without danger or damage, according to their own sence, as well against it as for it.

8. It is also apparently contrary to our former Oaths, Protestation, Solemn League and Covenant, according to the *common sence and understanding of the words*; the sence declared by the Imposers, and received by the Takers, agreeable to the occasions and ends of the said Covenants: For this Engagement (as was at first premised and declared) is against our *bearing faith and true allegiance to the Kings Majesty, his Heirs and Successors, and defending them against*

against all Conspiracies and Attempts whatsoever, which shall be made against his and their Crown and Dignity, and against defending the Jurisdictions, Privileges, Preeminences, and Authorities united and annexed to the Imperial Crown of this Realm; it is not for the honor and happiness of the Kings Posterity, nor for the Power and Privileges of Parliament, seeing it excludeth both the personal and politick capacity of the King, and preserveth only one of the Houses, and not one neither, the far greater part being excluded; nor is it for the Rights and Liberties of the People, for it keeps out some Representatives of most Counties, and all of some Counties, and extinguisheth the Rights of the Lords, which are the nobler parts of the People; it tends to divide perpetually between the Prince and People, the union of whom was so much desired and endeavored by the Parliament, when they were (confessedly) most free from corruption, and to make factions and parties amongst the People, while they shall be distinguished by the names of Engagers, and non-Engagers; and in all probability to divide the Kingdoms one from another, contrary to the Solemn League and Covenant; and these Covenants do not only bind us to preserve this Government, and their Power and Privileges, and the Subjects Rights and Liberties from violation (as some now expound them) but according to our abilities and opportunities to endeavor to restore and recover them when violated or taken away, as they were in a great measure when we took the Protestation and Covenant, and therefore in that case we were bound to endeavor to bring Delinquents in that kind to condign punishment; nor doth the Obligation of the said Oaths cease, because the King and his Heirs are wholly annihilated, (as T. B. fancies,) for though the King be dead, his Heirs are not annihilated (there being so many of his, and his Sisters seed) no more, nor so much as the Royal Seed was in the forementioned Interregnum of Judah, or the time of Athaliah's Usurpation, who called it Treason, Treason, to set up Joash in the Throne. His other pretences, That the common Consent of the People, by which they were Kings, hath deposed them, and that the Covenant contends only for that Government which is suitable to the Law of God, and Reason, with both which this is exactly correspondent. The insufficiency of them is sufficiently discovered partly in the foregoing Treatise, and partly by the Author of the Book called, *An Exercitation concerning usurp-*

ed Powers: And the said T. B. his concession, That *this Engagement is contrary to Oaths and Engagements of an higher nature, stands as a bar upon it, unwiped off.* Finally nothing can be more against the *Power and Priviledges of Parliament*, and lawful *Authority*, and against the *Rights and Liberties of the Subject*, then to engage and swear to them as a Parliament, and as the *Supream Authority of England*, that are not so. The inconsistency of this Engagement with the former Oaths and Covenants, seems to be the reason why the Grand Engagers do (as much as in them lies) repeal, annul, make voyd, or by some exposition (newly found out to serve a turn) evade or elude them.

9. This Engagement is also inconsistent with our first Parliamentary Principles, in defence whereof so much blood and treasure hath been spilt, for it is real Malignancy, and so declared by Parliament, *to subvert the Fundamental Laws and Government of the Kingdom, to violate the Priviledges of Parliament, and the ancient Course of Parliamentary Proceedings*; and for the doing of these things, yea, for but endeavoring to do these things, *Tho: Earl of Strafford, and William late Arch-Bishop of Canterbury*, were put to death; yea the violation of the Priviledges of Parliament, and some illegal Innovations and Oppressions, and the late Kings not bringing, or not suffering the offenders to be brought to condign punishment, was the ground of the late War, not against the King (as we were then told and believed) but for *the removing of the wicked from before the King, that his throne might be established*: And though we fought against the *Forces raised by the King*, and amongst which sometimes he in person was, yet it was only to rescue him from amongst them, that he might return to his Parliament, as our allegiance bound us. The fighting against the *E: of Leicesters Forces*, where King Henry the third was in person, and carryed about for the countenance of his actions, and the rescuing of him, though he was unawares wounded in the rescue, was by the Parliament judged to be legal and faithful service, and yet we always accounted it Treason, hateful to God, and all good men, to kill or wound the King intentionally or purposely, to disinherit the Royal Progeny, to alter the fundamental Government of the Kingdom. Now if we did conscientiously and not factiously oppose the gross evils of Oppression, Usurpation, Innovations, and Arbitrary Government in the late King, or his Agents, we cannot engage

engage to any Powers whatsoever that are guilty of greater Usurpation, and equalize (if not exceed) them in the other enormities, without evidencing of damnable Hypocrisie or Apostacy, and in a sort bringing upon our own heads the guilt of all the blood that hath been shed in this Kingdom.

10. The taking of this Engagement doth not at all secure the present Government (which is pretended to be the end of it,) for if men, for preservation of their offices, livelihoods, and privileges, will break their former solemn and sacred Oaths and Covenants, and break all the bonds of obedience to lawful Magistrates antecedent to, and only confirmed, not created by the said Oaths and Covenants, by taking this Engagement, they will (doubtless) make no conscience to break this new Engagement by renewing the old Covenants, or taking others, or acting contrary to it when occasion is offered.

11. This Engagement (as is feared) may be a means not only to hinder the bringing of some Delinquents to condign punishment, and to keep the Purse and Power of the Kingdom in those hands in which it now is, but also to hinder all possibility of peace and settlement upon a right Basis, to necessitate the keeping up and augmenting the Army, and the continuance or encrease (for the maintenance thereof) of the Taxes and Impositions on this already sore impoverished Nation, to betray the most conscientious friends of the Parliament which dare not engage, to ruine in their Estates, Rights, and Liberties, which are their birth-right, yea to bring the Protestant Religion, and in it the most glorious Name of the Lord our God and the English Nation into reproach, and to make our favor to stink in neighbor Nations, that they may never trust Parliament or People of England any more, whatsoever Declarations, Promises, Protestations, Oaths, or Covenants they make to beget credence, which cannot be more sacred and solemn then those which are at once knapt in pieces by this Engagement,

12. Though this Engagement is intended to be obligatory, and therefore it is called an *Engagement*. 2. A Declaration, (*I declare.*) 3. A Promise, (*I promise,*) and *subscription* is required thereunto, and some are called to swear to it, with intent they should be strongly obliged by it, yet in deed and truth it doth not oblige in *foro Dei* or *Conscientia* to the performance of it. First, Because the matter of it is injurious and sinful, as if I promise or swear

swear that I will not render to lawful Magistrates, or private men, that which is their right from me, but will transfer it to others to whom it is not legally due, this is an injurious and sinful Oath and Promise, and so is voyd, for *rei illicitæ nulla est obligatio*, *Juramentum non est vinculum iniquitatis*, what is unlawful to be done, is unlawful to be sworn or promised.

Secondly, Latter Engagements, Declarations, Promises, yea (suppose) the most solemn Oaths, contrary to former lawful Oaths and Covenants, are *ipso facto* voyd and non-obliging, *Juramentum posterius non tollit obligationem prioris*; it is with contrary Oaths and Promises as with contrary Bargains and Sales (*ceteris paribus*) the first is good in Law, and the latter voyd; not as it is with contrary Wills and Testaments, the last doth stand: and although sundry of late principles take this Engagement the more willingly, because they conceive it doth not oblige them, yea, with an intention not to be bound by it, as they themselves profess: yet religious and godly men will make Conscience of what they engage in, declare for, promise, subscribe, (much more) swear unto, and dare not take Gods name in vain, abuse his Ordinance, delude God or men, by seeming to engage in, or swear that in which they do not really engage, or which they know before-hand will not oblige, knowing that it is a *transgression*, yea *perjury*, to take such a sinful and contrary Engagement, though the taking of it, by reason of its sinfulness and contrariety, be no obligation to the keeping of it; and though this do not tye the Conscience of the Taker, it will trouble it; though it do not binde, it will burthen it; *quæ vadit plano, vadit sano*.

FINIS.

THE END OF THE FIRST PART OF THE
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